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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,031	10/28/2003	Melvin Jokela	2487.003US1	5660

21186 7590 06/08/2006

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER

HON, SOW FUN

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/695,031	Applicant(s) JOKELA ET AL.	
	Examiner Sow-Fun Hon	Art Unit 1772	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attachment to advisory action.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
 13. ☒ Other: attachment to advisory action.

Advisory Action

1. The request for reconsideration has been fully considered and deemed unpersuasive for the reasons set forth below.
2. Applicant notes that while the office action summary cited claims 10, 12-27 as being rejected, no formal rejections were proffered in the final office action, and that therefore the final rejection status is improper and should be withdrawn.

Applicant is respectfully apprised that the body of the final office action did specify that the 112, 2nd paragraph rejections were withdrawn due to Applicant's cancellation of claim 11, and upon further review of claims 17, 20; and that the 35 U.S.C. 103(a) rejection of claims 24-25 over Nelli was withdrawn due to Applicant's amendment removing the optional language to require the optical component of a second brightener film. Responses to Applicant's arguments against the valid combination of Shanton in view of Nelli were then presented since the 35 U.S.C. 103(a) rejections of claims 10, 12-27 over the primary combination of Shanton in view of Nelli, did not require any new grounds of rejection, Applicant not having amended claims 10, 12-23, while amended claims 24-27 were already rejected with the inclusion of the optical component of a second brightener film. Therefore, finality of the office action is proper.

3. Applicant argues that Nelli teaches only one film, and that Nelli would not look to Shanton for a second film, and that consequently the combination of Nelli with Shanton can only be reached by using Applicant's disclosure as a guide.

Applicant is respectfully apprised that the primary reference, Shanton, teaches the first and second brightener films, and that Nelli is the secondary reference which teaches that the first brightener film includes calcium carbonate in a first amount of 47% which is more than the brightener particles in a second amount, because calcium carbonate has the high absorbency desired to aid in the drying process (column 2, lines 35-40) when the next layer is applied ontop of the first brightener film, thus providing the motivation to use a first brightener film which includes calcium carbonate in a first amount which is more than brightener particles in a second amount, as the first brightener film of Shanton, in order to provide the second brightener film of Shanton, which is coated ontop of the first brightener film, with a faster drying rate.

4. Applicant argues that the only first film element that is taught by the combination of references is Shanton's preferred base coat mixture which has calcium carbonate in a first amount in the first brightener first film less than the brightener particles in a second in the first brightener film, and which thus teaches away from what is claimed by Applicant.

Applicant is respectfully apprised that Nelli is the secondary reference which teaches that the first brightener film includes calcium carbonate in a first amount of 47% which is more than the brightener particles in a second amount, because calcium carbonate has the high absorbency desired to aid in the drying process (column 2, lines 35-40) when the next layer is applied ontop of the first brightener film, thus providing the motivation to use a first brightener film which includes calcium carbonate in a first amount which is more than brightener particles in a second amount, as the first

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brightener film of Shanton, in order to provide the second brightener film of Shanton, which is coated ontop of the first brightener film, with a faster drying rate.

5. Applicant argues that Nelli also teaches away from what is claimed because Nelli teaches a single coat.

Applicant is respectfully apprised that Nelli actually teaches that the first brightener film includes calcium carbonate in a first amount of 47% which is more than the brightener particles in a second amount, because the calcium carbonate has high absorbency to aid in the drying process (column 2, lines 35-40) when the next layer (ink) is applied ontop of the first brightener film, which does not teach away from what is claimed.

6. Applicant argues that Shanton gives no amounts or ratios for the list of pigments, and therefore neither prefers this list nor teaches amounts or ratios to use, thus providing a non-enabling teaching.

Applicant is respectfully apprised that Nelli is the secondary reference which teaches that the first brightener film includes calcium carbonate in a first amount of 47% which is more than the brightener particles in a second amount, because calcium carbonate has the high absorbency desired to aid in the drying process (column 2, lines 35-40) when the next layer is applied ontop of the first brightener film, thus providing the motivation to use a first brightener film which includes calcium carbonate in a first amount which is more than brightener particles in a second amount, as the first brightener film of Shanton, in order to provide the second brightener film of Shanton, which is coated ontop of the first brightener film, with a faster drying rate.

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7. Applicant argues that Nelli fails to teach a finish third film provided above the brightener second film.

Applicant is respectfully apprised that Nelli is the secondary reference that teaches that a finish film of wax is provided (converted carton is coated with wax, column 1, lines 25-30) for the purpose of providing the laminate with the finishing properties of the wax. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have placed a finish third film of wax above the brightener second film of Shanton in view of Nelli, in order to provide the packaging article with the finishing properties of the wax, as taught by Nelli.

8. Applicant's arguments against the tertiary reference Kinsey, are directed against the valid combination of Shanton in view of Nelli, which are addressed above.

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571)272-1498. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

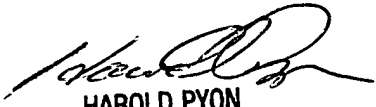
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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Hon
Sow-Fun Hon
06/05/06


HAROLD PYON
SUPERVISORY PATENT EXAMINER
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